IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 18258 of 2003(W)

PETITIONER:

K.M. PAREETH @ FAREED,
S/O. MUHAMMEDKUTTY, KARIYANGOTT HOUSE,
MAILALMPARA, PUTHUPADY, KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
----

1. **STATE OF KERALA, REP. BY**
   SECRETARY, RURAL DEVELOPMENT DEPARTMENT,
   SECRETARIAT, TRIVANDRUM.

2. **THE BLOCK DEVELOPMENT OFFICER,**
   KODUVALLY, KOZHIKODE.

3. **ASST. EXECUTIVE ENGINEER,**
   D R D A, CIVIL STATION, KOZHIKODE.

4. **SPECIAL DEPUTY TAHSILDAR,**
   ARREARS COLLECTION, KOZHIKODE.

5. **VILLAGE OFFICER, PUTHUPADY VILLAGE,**
   KOZHIKODE.

BY GOVERNMENT PLEADER SRI.K.U.MANOJKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.18258 of 2003

Dated 15th February, 2007.

J U D G M E N T

Petitioner is aggrieved by the recovery steps proposed at the instance of the second respondent. The allegation is that the petitioner executed construction work for an amount of Rs.3,72,480/- whereas the administrative sanction was only for Rs.3,40,000/-, without prior sanction from the block panchayat. It is stated in the counter affidavit that "No revised estimate was prepared at any stage during the course of execution of the work and no work order or permission given to the convenor for the execution, of any extra item of work over and above the administratively sanctioned amount of Rs.3,40,000/-." The further stand taken in the counter affidavit is that the payment of Rs.22,246/- was made due to a mistake. There is no reply affidavit. If it is only a matter of prior sanction, it will be open to the petitioner to approach the second respondent as to whether a revised sanction could be issued ratifying the work already done, in case he has executed the work under the supervision of the competent officers, as per the agreement. In the event of the petitioner thus approaching the second respondent within two

months from today, the matter will be duly examined by the second respondent. If necessary, appropriate clarification from the first respondent also will be obtained. Till action is taken by the second respondent as above and subject to the petitioner approaching the second respondent within two months from today, the interim order passed by this Court in I.A.No.4158/03 will continue till orders are passed by the second respondent.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

tgs

KURIAN JOSEPH, J

W.P.(C)No. 18258 of 2003 (W)

J U D G M E N T

Dated 15th February, 2007.